IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.903 OF 2000

Bajrang Bhagwat Waghmare, .. Petitioner
Vs
1. Jt Charity Commissioner,
Pune Region, Pune and ors. .. Respondents
Mr R.G.Ketkar, for the petitioner.

CORAM : D.B.BHOSALE, J.

DATE : MAY 02, 2005.

P.C.

1. Heard the learned counsel for the petitioner.

2. The order impugned is dated 29.7.1999, by which the application filed by the petitioner raising objection as to the powers of the Assistant Charity Commissioner to appoint a new trustee, was rejected. It is clear from the order dated 19.8.1995 (Exhibit-C) that the Assistant Charity Commissioner was directed to appoint a trustee in pursuance of the scheme settled by the Joint Charity Commissioner under section 50A of the Bombay Public Trusts Act, 1950 (for short, "the Trust Act"). In view thereof, the Assistant Charity Commissioner was directed to appoint a new trustee in pursuance of the scheme and not under section 47 of the Trusts Act. Moreover, the order impugned was passed in 1999 which was

challenged by the present petitioner in 2000. There was no interim order passed by this Court while issuing notice. The learned counsel appearing for the petitioner is not in a position to state whether a new trustee has been appointed in pursuance of the directions given by the order dated 19.8.1995. Keeping that in view and considering that the Assistant Charity Commissioner was directed to appoint new trustee in view of the scheme framed under section 50A, no interference is called for. The writ petition, therefore, fails and is dismissed as such.

(D.B.BHOSALE, J.)

/rrt/db-05/b-2505/wp903-00